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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/672,969	09/29/2003	Michael T. Ansay	82829	3603

23523 7590 11/04/2005

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NEWPORT, RI 02841

EXAMINER

CARONE, MICHAEL J

ART UNIT	PAPER NUMBER
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3641

DATE MAILED: 11/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/672,969	ANSAY ET AL.	
	Examiner	Art Unit	
	Michael Carone	3641	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3 and 5-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,6-8 and 10-13 is/are rejected.
- 7) ☐ Claim(s) 5 and 9 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

Claim 3 is objected to under 36 CFR 1.75(c) as not further limiting claim 1 as claim 1 was amended to contain the subject matter of claim 3.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3, 6-8, 10, 11 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown 3,137,203 in view of Gunning 2,848,970.

Brown discloses a canister 22 holding a payload 14. The canister supports an airbag 17 arranged to launch (with the assistance of pressurized seawater) the canister from a container (the unnumbered tube surrounding the canister) located in a submarine (see column 3, lines 19-22). Note when the airbag is inflated it clearly contributes to the launching of the canister. The canister has a top enclosure and bottom disclosure, unnumbered as shown in fig. 1. The container shows a support framework, i.e, interior walls, bottom supports 11a and 11b, etc, for supporting the canister. Brown does not disclose the container having a watertight hatch.

Gunning teaches a submarine having torpedo tubes with hatches. Hatches are provided on submarines for a variety of reasons, i.e, to provide for a smooth outer hull

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which prevents drag and noise or to just keep high pressure seawater from entering the boat.

It would have been obvious at the time the invention was made to one having ordinary level of skill in the art to cap the container of Brown with a watertight hatch for any of the reasons stated above. Note that nothing in Brown requires that the canister extend beyond the container as shown in Figure 1 that would prevent this modification.

With respect to claims 7 and 8, the port 16 which feeds the airbag can be considered both a top and side airbag inflator.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brown 3,137,203 in view of Gunning 2,848,970 as applied to claims 1 and 11 above, and further in view of Murray et al.

Murray discloses the use of a gas generator to inflate an bag in an underwater environment. It would have been obvious to utilize a gas generator as the inflation source in Brown as a well-known alternative for a gas generation source for the advantages of its small size.

Allowable Subject Matter

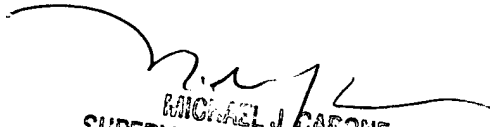
Claims 5 and 9 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kelly 3,704,678 and Ebbets et al, 3,146,750 show related

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inventions, however they do not disclose or make obvious a container, separable from the vehicle which houses canisters..

Any inquiry concerning this communication should be directed to Michael Carone at telephone number 571 272-6873.



MICHAEL J. CARONE
SUPERVISORY PATENT EXAMINER